

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PERFUSION SHUNT APPARATUS AND METHOD**, the specification of which

(Check One) ☒ is attached hereto OR
☐ was filed on _____ as United States Application
Serial No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|--|---------|----------------|------------------|----|
| | | | Yes | No |
| | | | | |

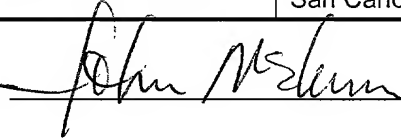
I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

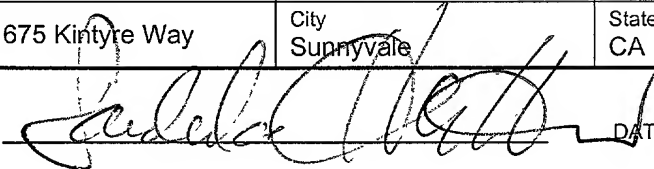
| Application Number(s) | Filing Date |
|-----------------------|-------------|
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|-----------------------------------|-------------------|--------------------|---|
| 09/642,570 | | August 17, 2000 | Pending |
| 09/467,293 | | December 17, 1999 | Pending |
| 09/387,634 | | August 31, 1999 | 6,176,851 |
| 09/016,714 | | January 30, 1998 | pending |
| 08/996,532 | | December 23, 1997 | 6,258,120 |
| 08/993,202 | | December 18, 1997 | 6,048,331 |
| 08/854,806 | | May 12, 1997 | 6,231,544 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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|---|-------------------------|--------------------|--|--------------------------------|-------------------|
| 201 | FULL NAME OF INVENTOR | FIRST Name John | MIDDLE Initial | LAST Name McKENZIE | |
| | RESIDENCE & CITIZENSHIP | City San Carlos | State or Foreign Country California | Country of Citizenship U.S. | |
| | POST OFFICE ADDRESS | 1742 Eaton Avenue | City San Carlos | State or Country CA | Zip Code 94070 |
| INVENTOR'S SIGNATURE <u></u> DATE <u>1/24/02</u> | | | | | |

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|---|-------------------------|-----------------------|--|---------------------------------|-------------------|
| 202 | FULL NAME OF INVENTOR | FIRST Name Sachiko | MIDDLE Initial | LAST Name HATTORI | |
| | RESIDENCE & CITIZENSHIP | City Sunnyvale | State or Foreign Country California | Country of Citizenship Japan | |
| | POST OFFICE ADDRESS | 1675 Kintyre Way | City Sunnyvale | State or Country CA | Zip Code 94087 |
| INVENTOR'S SIGNATURE <u></u> DATE <u>1/30/02</u> | | | | | |

POWER OF ATTORNEY

EMBOL-X, INC., assignee(s) of the application for United States Letters Patent for an improvement in
IMPLANTABLE CEREBRAL PROTECTION DEVICE AND METHODS OF USE by John McKenzie and
Sachiko Hattori, the specification of which was

- ☐ executed on even date herewith, or
☒ filed December 23, 1997, having Serial No. 08/996,532.

As a named inventor, I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F.T. Alexandra Mahaney, Reg. No. 37,668; and John Kappos, Reg. No. 37,861

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| Send Correspondence to: | LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071-2066 | Direct Telephone calls to: John Kappos (714) 751-6606 |
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I, the undersigned, declare that I am the (an) assignee of the above-identified application or, if the assignee is a corporation, partnership or other association, I am authorized to make this appointment on behalf of the assignee and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| Full Name of Assignee: EMBOL-X, INC. | |
| Post Office Address 645 Clyde Avenue, Mountain View, 94043-2213 | |
| Signature of Declarant or Assignee: | Date: |

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|-------------------------------------|---------------|
| Full Name of Assignee: | |
| Post Office Address | |
| Signature of Declarant or Assignee: | Date: 5/21/98 |

| | |
|--|---------------------------------------|
| Full Name of Declarant | |
| If Other Than Assignee | Yue-Teh Jang |
| Title of Declarant | President and Chief Executive Officer |
| Address of Declarant 645 Clyde Avenue, Mountain View, 94043-2213 | |